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Gorgia

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Eisenberg *et al.*

APPLICATION NUMBER: 10/009,809

EXAMINER: Not yet assigned

FILING DATE: April 26, 2002

ART UNIT: Not yet assigned

FOR: NOVEL ANTI-ALLERGIC AGENTS

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TECH CENTER 1600/290

Commissioner for Patents
Washington, D.C. 20231



PETITION TO MAKE SPECIAL
PURSUANT TO 37 C.F.R. § 1.102 AND MPEP 708.02 XII

Applicant hereby petitions to have this application made special, as it relates to biotechnology subject matter filed by an applicant who is a small entity.

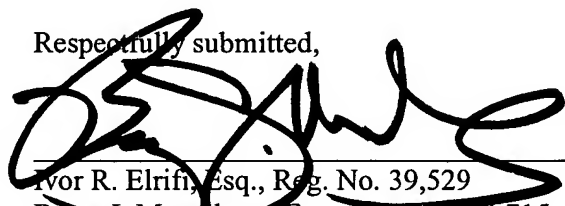
1. Small entity status for the Applicant's assignee, Allergene Ltd., has been established in this application, as evidenced by Applicant's Small Entity designation and payment of the Small Entity filing fee upon entry into the National Phase in the United States. (a copy of the "Transmittal Letter to the U.S. Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371: is enclosed) The U.S. Patent Office acknowledged of Applicant's small entity status in the U.S. Patent Office's "Notification of Missing Requirements under 35 U.S.C. § 371 in the United States Designated/Elected Office". (copy enclosed)
2. The subject matter of this patent application is a major asset of the Applicant's assignee.
3. The development of the technology will be significantly impaired if examination of this patent application is delayed. As a start-up company of small size and capitalization, a delay in the examination of the patent application will prevent Applicant's assignee, Allergene Ltd., from proceeding to develop their intended product, which necessitates lengthy and costly clinical trials. Additionally, since the subject matter disclosed in the pending application is a major asset of the company, expedited examination and patent protection are critical, not only for generating funds required for clinical trial, but also for establishing mutual research

agreements, essential for the development of their intended product. Expedited examination of the patent application will therefore be essential to Applicant.

Applicant respectfully submits that the above conditions are sufficient for granting of the petition to make the application special, and respectfully requests favorable consideration of this petition.

The fee under 37 CFR § 1.17(h) is enclosed herewith. The Commissioner is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 (Reference No. 24025-501NATL). A duplicate copy of this document is enclosed.

Respectfully submitted,



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Dated: February 21, 2003

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